

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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**RFA No.4640 of 2016(O & M)
Date of Decision:07.12.2016**

Usha Garg

....appellant

Versus

State of Haryana and another

.....respondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

Present: Mr.S.P.Khatri Advocate
for the appellant

ARUN PALLI, J. (ORAL):

CM No.12985-CI of 2016

This is an application for condonation of delay of 3822 days in filing the appeal.

All what has been urged by learned counsel for the applicant is that the matter in issue is squarely covered by the judgement dated 03.11.2015, rendered by this Court in **RFA No.1854 of 2002**, titled “Bhim Sain Juneja versus State of Haryana and others”, and also the order dated 21.11.2016, rendered in review application No.173-CI of 2016 and other connected applications, vide which, the earlier judgement was modified in the terms stated therein.

Notice.

On the asking of the Court, Mr.Shivendra Swaroop, AAG Haryana, present in the Court, accepts notice on behalf respondent No.1 and Mr.Pritam Saini, Advocate, accepts notice on behalf of respondent No.2.

The factual position as set out above, is not disputed by learned

counsel for the respondents.

I have heard learned counsel for the parties and perused the record.

In the wake of the decision of the Hon'ble Supreme Court in *Imrat Lal and others v. Land Acquisition Collector and others, 2015(2) RCR (Civil) 437* and *Dhiraj Singh (D) Tr. LRs. v. Haryana State and others, 2015 (2) RCR (Civil) 507*, delay of 3822 days in filing the accompanying appeal is condoned. However, to balance the equities, for the period of delay, the applicant shall not be entitled to interest on the enhanced compensation.

CM stands disposed of.

CM No.12984-CI of 2016 and RFA No.4640 of 2016

For, learned counsel for the parties are ad idem that the matter in issue is squarely covered by the decision rendered by this court in *Bhim Sain Juneja's case (Supra)*, the present appeal is disposed of in terms of the said decision. However, the appellant shall not be entitled to interest on the enhanced compensation for the period of delay in filing the appeal i.e.3822 days.

07.12.2016

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(ARUN PALLI)
JUDGE

Whether speaking/reasoned
Whether reportable-

Yes/No
Yes/No